

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

2040 Main Street
Fourteenth Floor
Irvine, CA 92614
Tel 949-760-0404
Fax 949-760-9502
www.kmob.com**USPTO FACSIMILE TRANSMITTAL SHEET**

Page 1 of 1

Docket No.: TOYA141.001APC

CUSTOMER NO. 20995

Applicant : Yasuda, et al.
App. No. : 10/521,947
Filed : January 21, 2005
For : COMPOSITION FOR PROMOTING THE
PROLIFERATION OF LACTOBACILLUS
CASEI SUBSP. CASEI
Examiner : Unknown
Group Art Unit : Unknown

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all
marked attachments are being transmitted via
facsimile to the USPTO Legal Department
Fax No. (571) 273-0459 on the date shown
below:

January 13, 2006

Che S. Chereskin
Che Swyden Chereskin, Ph.D., Reg. No. 41,466

Transmitted herewith for filing and consideration in the above-referenced application are the following items:

(X) Petition in 2 pages.

(X) Copies of submissions of February 18 and August 9, 2005 of executed Declaration and Power of Attorney in support of Petition request.

(X) Total pages in transmission: 16

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 11-1410.

RECEIVED

13 JAN 2006

Legal Staff
International Division

Che S. Chereskin
Che Swyden Chereskin, Ph.D.
Registration No. 41,466
Agent of Record
Customer No. 20,995
(949) 760-0404

2288989
011306San Diego
619-235-8550San Francisco
415-954-4114Los Angeles
310-551-3450Riverside
951-781-9231San Luis Obispo
805-547-5580**BEST AVAILABLE COPY**

Docket No.: TOYA14 01APC

August 9, 2005

Page 1 of 1

Please Direct All Correspondence to Customer Number 20995

TRANSMITTAL


Applicant : Yasuda, et al.
App. No : 10/521,947
Filed : January 21, 2005
For : COMPOSITION FOR PROMOTING
THE PROLIFERATION OF
LACTOBACILLUS CASEI SUBSP.
CASEI
Examiner : Unknown
Art Unit : Unknown

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

August 9, 2005

(Date)


Che Swyden Chereskin, Ph.D., Reg. No. 41,466

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13 JAN 2006


Legal Staff
International Division

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- (X) Letter in 1 page.
- (X) Copies of documents as originally filed on February 18, 2005.
- (X) Copy of Notice to File Missing Parts.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.


Che Swyden Chereskin, Ph.D.
Registration No. 41,466
Agent of Record
Customer No. 20,995
(949) 760-0404

1855388
080905**BEST AVAILABLE COPY**

TOYA141.001APC

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yasuda, et al.
Appl. No. : 10/521,947
Filed : January 21, 2005
For : COMPOSITION FOR PROMOTING
THE PROLIFERATION OF
LACTOBACILLUS CASEI SUBSP.
CASEI
Examiner : Unknown
Group Art Unit : Unknown

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LETTER

13 JAN 2006

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Legal Staff
International Division

Dear Sir:

On February 18, 2005, in anticipation of receipt of a Notice to File Missing Parts, we forwarded an executed Declaration and Power of Attorney along with the required late filing surcharge. We have now received a Notice to File Missing Parts as mailed by the Office on July 18, 2005. Upon checking the PAIR website, there is no acknowledgement of receipt of the original Declaration. Consequently, we enclose herewith copies of the documents as filed on February 18, 2005, along with a copy of the Notice to File Missing Parts.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

August 9, 2005

By:

Che S. Chereskin
Che Swyden Chereskin, Ph.D.
Registration No. 41,466
Agent of Record
Customer No. 20,995
(949) 760-0404

1855335.080905

-1-

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UTILITY/DESIGN PATENT
(missing parts)Date: 2-18-05Date of Action: N/A

Rec'd in the USPTO on the date stamped hereon via Certificate of Mail:

Docket #: TOYAMA, DOLIA PCApplicant: Yasuda, et alTitle: Composition for Promoting the ProliferationApp No.: 10/521,947Filed: 1-21-05VERIFIED BY: Asst SasAtty: C. Chereskin QC: [Signature]

- ☒ Transmittal Letter
☐ Notice to File Missing Parts
☒ Decl and Power of Atty
☐ Decl by Inventor(s)
☐ POA by Assignee; copy of Assignment
☐ Sequence Submission Statement
☐ Sequence Listing in _____ pgs
☐ _____ copies of CRF Containing Seq List
☐ Return Prepaid Postcard

- ☐ Preliminary Amendment in _____ pgs
☐ Copy of Original Specification and Drawings
☐ Information Disclosure Statement; and PTO-1449 w/ _____ Ref(s)
☐ Letter Requesting Refund
☐ _____ Month Extension Requested
☒ \$ 130 Check for Filing Fee

(7/14/03)

KNOBBE MARTENS OLSON, & BEAR
PATENT ACCOUNT
 2040 MAIN STREET, 14TH FL
 IRVINE, CA 92614

10/521,947

683

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41693351PAY
TO THE
ORDER OF

COMMISSIONER OF PATENTS

DATE Feb 18, 2005One hundred thirty and 00/100\$ 130

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Yasuda, et al.

FOR TOYAMA, DOLIA PC M.P. Surcharge

⑈0000068342⑈ ⑆121000248⑆ 4159335140⑈

Adriana L. Gutierrez

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PATENT

Attorney Docket No. TOYA141.001APC

Date: February 18, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Yasuda, et al.
Application No. : 10/521,947
Filed : January 21, 2005
For : COMPOSITION FOR PROMOTING
THE PROLIFERATION OF
LACTOBACILLUS CASEI SUBSP.
CASEI
Group Art Unit : Unknown
Examiner : Unknown

I hereby certify that this correspondence and all
marked attachments are being deposited with the
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envelope addressed to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450, on

February 18, 2005

(Date)

Che S. Chereskin
Che Swyden Chereskin, Ph.D., Reg. No. 41,466

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13 JAN 2006

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Legal Staff
International Division

Dear Sir:

At the time the above-identified application was filed, a Declaration was not submitted. As of this date, we have not received a Notice to File Missing Parts. However, in anticipation of receiving this communication, we are forwarding to you the following documents:

- (X) The signed Declaration and Power of Attorney
- (X) A check for \$130 to cover the surcharge
- (X) Please charge our Deposit Account No. 11-1410 for any additional fees which may be required, now or in the future, or credit our account for any overpayment.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Feb. 18, 2005By: *Che S. Chereskin*

Che Swyden Chereskin, Ph.D.
Registration No. 41,466
Agent of Record
Customer No. 20,995
(949) 760-0404

H:\DOCS\CSC\CSC-8679.DOC\021805

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| | | |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/521,947 | | TOYA141.001APC |

| |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/JP03/09272

| | |
|-----------------|---------------|
| LA. FILING DATE | PRIORITY DATE |
|-----------------|---------------|

07/22/2003

07/22/2002

2099:
 KNOBE MARTENS OLSON & BEAR LLP
 2040 MAIN STREET
 FOURTEENTH FLOOR
 IRVINE, CA 92614

CONFIRMATION NO. 2270

371 FORMALITIES LETTER



OC000000016545729

Date Mailed: 07/18/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/21/2005
- English Translation of the IA filed on 01/21/2005
- Copy of the International Search Report filed on 01/21/2005
- Copy of IPE Report filed on 01/21/2005
- Preliminary Amendments filed on 01/21/2005
- U.S. Basic National Fees filed on 01/21/2005
- Priority Documents filed on 01/21/2005

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Legal Staff
International Division

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/521,947 | PCT/JP03/09272 | TOYA141.001APC |

FORM PCT/DO/EO/905 (371 Formalities Notice)

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13 JAN 2006

Legal Staff
International DivisionUTILITY/DESIGN PATENT
(missing parts)Date: 2-18-05
Date of Action: N/A

Rec'd in the USPTO on the date stamped hereon via Certificate of Mail:

Docket #: TOYAMA 001A PC Applicant: Yasuda, et al.Title: Composition for Promoting the ProliferationApp No.: 101521947 Filed: 1-21-05VERIFIED BY: Asst: 820 Atty: C. Cherekin QC: 000

- ☒ Transmittal Letter
☐ Notice to File Missing Parts
☒ Decl and Power of Atty
☐ Decl by Inventor(s)
☐ POA by Assignee; copy of Assignment
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☐ Sequence Listing in _____ pgs
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☐ Copy of Original Specification and Drawings
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☐ _____ Month Extension Requested
☒ \$ 130 Check for Filing Fee
☐ _____
☐ _____

(7/14/03)

KNOBB MARTENS OLSON, & BEAR

PATENT ACCOUNT
2040 MAIN STREET, 14TH FL
IRVINE, CA 92614

101521,947

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4159335140PAY
TO THE
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DATE Feb 18, 2005One hundred thirty and 00/100\$ 130

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Yasuda, et al.

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Adriana L. Gutierrez

PATENT

Attorney Docket No. TOYA141.001APC

Date: February 18, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Yasuda, et al.
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Examiner : Unknown

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February 18, 2005

(Date)

Che S. Chereskin
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Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

Feb. 18, 2005

By:

Che S. Chereskin

Che Swyden Chereskin, Ph.D.

Registration No. 41,466

Agent of Record

Customer No. 20,995

(949) 760-0404